



State of Utah

GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

Department of
Environmental Quality

Amanda Smith
Executive Director

DIVISION OF ENVIRONMENTAL
RESPONSE AND REMEDIATION

Brent H. Everett
Director

FILE COPY

ERRL-0867-10

January 3, 2011

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

SCANNED

Craig Larson, President
Top Stop Convenience Stores
2046 East Murray-Holladay Road, Suite 200
Holladay, Utah 84117

DERR -2011-001012

Re: **Central Horizontal SVE System**
Top Stop C-4, located at 15 South Main Street, Gunnison, Utah
Facility Identification No. 2000220, Release Site MHB

Dear Mr. Larson:

The Utah Division of Environmental Response and Remediation (DERR) was recently informed that the Central Horizontal SVE System (system) located at 60 West 200 South has not been maintained for several consecutive months and the system may not currently be operating. The DERR is aware of ongoing access issues. However, it is Wind River's responsibility to operate and maintain this system (40 C.F.R. Part 280, Subpart F, incorporated by Utah Admin. Code R311-202-1). The system appears vital to continue to protect several adjacent homes and buildings from the potential of petroleum vapor accumulation emanating from the Top Stop plume.

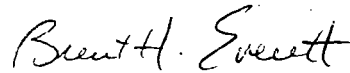
Based on the above information, the Executive Secretary (UST) requires that Wind River continue to operate and maintain the Central SVE system, relocate the system to an accessible location, or thoroughly document with additional soil, vapor, and groundwater sampling that the system is no longer effective or necessary. If the system is necessary but no longer effective, Wind River must propose an alternate system as part of its abatement and/or corrective action that will adequately protect human health and the environment.

The Utah Underground Storage Tank Act gives the Executive Secretary (UST) of the Solid and Hazardous Waste Control Board (Board) the authority to enforce the Underground Storage Tank Act and any rules made by the Board by issuing Notice of Agency Action or Orders. Furthermore, the Executive Secretary (UST) has the authority to seek a civil penalty of up to \$10,000.00 for each day of violation of the Act pursuant to Utah Code Ann., Section 19-6-425.

This letter will advise you that your failure to comply with the requirements listed above within **30** days of your receipt of this letter may result in the issuance of an Order and the assessment of a civil penalty.

If you have any questions concerning this matter, please contact **Morgan P. Atkinson**, your DERR Project Manager, at (801) 536-0052. Thank you for your cooperation.

Sincerely,



Brent H. Everett, Executive Secretary (UST)
Utah Solid and Hazardous Waste Control Board

BHE/MPA/sbw

cc: Bruce Costa, Ph.D., Director, Central Utah Public Health Department
John Chartier, District Engineer, Utah Department of Environmental Quality
John Vercoe, Central Utah Public Health Department
Les Penington, Wasatch Environmental
Lori Nay, Gunnison City
Lance Hess, ESCM Resources, Inc.
Frank DeRosso, RMEC